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Response to Action of 18 December 2002

Atty Docket #17163-4

REMARKS**Claim status**

At the time of the Office Action, claims 2-4, 7, 10-12, 14, and 17-25 were pending. As a result of the amendments made above, claims 10, 12, 19, 24, and 25 have been cancelled.

Claims 17 and 18 have been amended to overcome the indefinite limitations of the phrase "an irregular coating". The term "non-uniform" has replaced "irregular".

Drawings

The Examiner's review and acceptance of the corrected drawings received on October 7, 2002 is noted.

Specification

The Examiner's review and acceptance of the substitute specification received on October 7, 2002 is noted.

35 USC 112 rejections

The Examiner has rejected claims 17 and 18, and dependent claims 2-4, 7, 10-12, 14, and 19-25 because the limitations "an irregular coating is not clearly described. Claims 17 and 18 has been amended so that the limitation is a "non-uniform coating". With this amendment the applicant believes this rejection has been overcome. Claim 13 has been cancelled rendering the rejection moot.

The Examiner has also rejected claim 10 because the limitation "the spacings of the coating islands" is not clearly understood. Claim 10 has been cancelled rendering the rejection moot.

Section 102 Rejections

Yan (US 5,843,172) ("Yan '172")

The Examiner has rejected claims 2-4, 10, 11, 14, 17, 18, and 20-23 as being anticipated by Yan '172. All claims remaining in the case depend directly or indirectly from either claim 17 or claim 18. Specifically, the Examiner has cited Figure 12 of Yan '172 as showing the claim 17 limitation that the coating islands are spaced farther apart where a greater degree of local stretching or expansion occurs. The Examiner has also cited Figure 12 of Yan '172 as showing the claim 18 limitation of smaller coating islands where greater degrees of local stretching occur.

Respectfully, the applicant traverses the Examiner's characterization of Yan '172 Fig. 12 and the text accompanying it, the text being the paragraph at Col. 8, lines 51-65.

Why'd
check if he
argued it in one of
last 2 rejection
He did
3rd time
he's arguing it.

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An anticipation rejection requires a single prior art reference which discloses each and every element of the claimed invention. Yan '176 does not meet this requirement. In particular, Yan '176 does not have a stent containing coating islands arranged in such a way that they are dependent upon the degree of local stretching prior to radial expansion and during local stretching of the stent surface as required by claims 17 and 18. What Figure 12 shows is a stent formed of a sintered sheet 104 of metal having a core 106 formed of large diameter particles 108 that form large pores. The core layer 106 is sandwiched between two layers 110 and 112 formed of smaller diameter particles 114 or particles that form smaller diameter pores. Col. 8, lines 52-58. A top layer of smaller diameter particles is arranged in a plane parallel to and above the middle layer. A bottom layer of particles are arranged in a plane parallel to and below the middle layer. The three layers are pressed together and sintered into a single sheet. The sheet can then be cut or etched into a stent configuration. Col. 8, lines 60-65. In the formation of the large and small pores located within the stent formed from a sintered sheet of metal as described by Yan '172 in Figure 12, there is no control or intent in organizing the pores into a specific configuration that is dependent on the local stretching that occurs prior to and during the stretching of the stent. The location of the pores in Yan '172 is stochastic, not intentional.

For this reason, neither claim 17 nor 18 is anticipated by Yan '172, and, accordingly, none of the claims depending from claim 17 or 18 are anticipated either.

Intent is irrelevant. structurally the same.

Section 103 Rejections

Claims 12, 19, 24, and 25 are rejected as being obvious over the combination of Yan '172 in view of U.S. Patent No. 5,849,206 to Amon et al. ("Amon '206"). With the canceling of claims 12, 19, 24, and 25, this rejection is now moot.

Accordingly, the applicant respectfully requests reconsideration of the rejections based on the claim amendments made above. After such reconsideration, it is urged that allowance of all claims will be in order.

Respectfully submitted,



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